

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN THE MATTER OF:

THE SEIZURE OF \$19,000 IN UNITED  
STATES CURRENCY BY THE UNITED  
STATES POSTAL INSPECTION  
SERVICE

CASE NO. 2:21-mc-00090 RSL

**STIPULATION AND REQUEST  
TO THE COURT TO EXTEND  
GOVERNING CAFRA  
DEADLINE PURSUANT TO  
18 U.S.C. § 983(a)(3)(A)**

NOTED FOR CONSIDERATION:

August 3, 2021

**I. RELIEF REQUESTED**

The United States and Claimant Lee Phan (“Claimant”; collectively, with the United States, the “Parties”), individually and by and through their respective undersigned counsel, submit the following stipulation and request for the Court to extend the governing Civil Asset Forfeiture Reform Act (“CAFRA”) deadline for the claim Claimant filed to \$19,000 in United States currency (the “Currency”) that was seized by the United States Postal Inspection Service (“USPIS”). Pursuant to CAFRA, a Court “in the district in which the [forfeiture] complaint will be filed” is permitted to “extend the period for filing a complaint

for good cause shown or **upon agreement of the parties.**” 18 U.S.C. § 983(a)(3)(A) (emphasis added); *see also Carvajal v. United States*, 521 F.3d 1242, 1244 (9th Cir. 2008) (recognizing that Section 983(a)(3)(A) allows requests to the Court to extend the statutory 90-day CAFRA deadline); *Omid v. United States*, 851 F.3d 859, 860 (9th Cir. 2017) (“Upon receiving a claim, the government must file a civil or criminal forfeiture action within 90 days, unless a court extends the deadline [pursuant to Section 983(a)(3)(A)].”). Here, the Parties have agreed to extend the deadline for taking judicial forfeiture action against the Currency for an additional period of 60 days: from August 4, 2021, to **October 4, 2021**. The Parties respectfully request that the Court order this extension. A proposed Order is submitted together with this stipulation and request.

## II. RELEVANT PROCEDURAL FACTS

USPIS seized the Currency from United States Postal Service Priority Express Mail Parcel #EJ645493664US (the “Parcel”) on February 26, 2021, in Seattle, Washington. The Honorable Brian A. Tsuchida, United States Magistrate Judge, issued a search and seizure warrant in the United States District Court for the Western District of Washington, Case No. MJ21-113 (the “Warrant”). The Warrant concluded that the evidence provided to the Court established “probable cause to search and seize the [Parcel], and that such search [would] reveal . . . evidence, instrumentalities, or fruits of violations of Title 21, United States Code, Section(s) 841(a)(1) and 843(b)” including, among other items, “[m]onetary instruments, including but not limited to . . . currency . . . .”

After seizing the Currency, USPIS initiated administrative forfeiture proceedings against it, on the grounds it represents proceeds of the distribution of controlled substances or moneys furnished for the purchase of controlled substances, which would be forfeitable pursuant to 21 U.S.C. §§ 853 & 881. As required by 18 U.S.C. § 983(a)(1)(A)(i), USPIS sent written notice of its intent to forfeit this Currency to interested parties. In response, Claimant submitted an administrative claim to the Currency (the “Claim”). USPIS received the Claim on May 6, 2021. No other administrative claims were filed, and the period for doing so has expired pursuant to 18 U.S.C. § 983(a)(2)(B).

1 The Claim was referred to the United States Attorney's Office for the Western  
 2 District of Washington for adjudication in judicial forfeiture proceedings. Pursuant to  
 3 18 U.S.C. § 983(a)(3)(A)–(C), the United States is required to allege forfeiture of the  
 4 Currency in a criminal indictment or file a civil forfeiture case against it within 90 days from  
 5 the date it received the Claim. That deadline is currently August 4, 2021.

6 The Parties are actively discussing the strength of the Claim and, to that end, have  
 7 exchanged some discrete prefiling discovery. To preserve the Parties' ability to explore the  
 8 possibility of a prefiling settlement, the Parties have entered the following stipulation to  
 9 extend the governing CAFRA deadline pursuant to 18 U.S.C. § 983(a)(3)(A).

### 10 III. STIPULATION

11 The United States and the Claimants HEREBY STIPULATE:

12 1. To preserve the Parties' ability to explore the possibility of a prefiling  
 13 settlement, the Parties agree, pursuant to 18 U.S.C. § 983(a)(3)(A), to extend the CAFRA  
 14 deadline for the United States to allege forfeiture of the Currency in a criminal indictment, or  
 15 to file a civil forfeiture complaint against it, for an additional period of 60 days: from August  
 16 4, 2021, to **October 4, 2021**. The Parties further agree to request that the Court enter the  
 17 proposed Order extending the CAFRA deadline in such manner.

18 2. Consistent with the agreement in Paragraph 1, Claimant knowingly,  
 19 intelligently, and voluntarily waives any right he may have to require the United States to  
 20 allege forfeiture of the Currency in a criminal indictment, or to file a civil forfeiture  
 21 complaint against it, within the first 90 days after the United States received his  
 22 administrative claim, including but not limited to any such right he may have pursuant to  
 23 18 U.S.C. § 983(a)(3)(A)–(C). Claimant also waives any right to seek dismissal, on that  
 24 basis, of any criminal forfeiture allegation or civil forfeiture complaint that is ultimately filed  
 25 by the United States against this Currency such that, pursuant to this agreement, any criminal  
 26 forfeiture allegation or civil forfeiture complaint filed on or before October 4, 2021, will be  
 27 treated as timely filed.  
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